

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

ROLAND SCOTT, JR.,

Petitioner,

v.

CIVIL ACTION NO. 5:23-cv-61

WARDEN KATINA HECKARD,

Respondent.

ORDER

Pending are Roland Scott, Jr.’s Petition for Writ of Habeas Corpus pursuant to 18 U.S.C. § 2241 [ECF 2], filed January 26, 2023, and a motion to dismiss contained in the Warden’s response [ECF 12], filed March 17, 2023. This action was previously referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission of proposed findings and a recommendation (“PF&R”). Magistrate Judge Eifert filed her PF&R on March 1, 2024. Magistrate Judge Eifert recommended that the Court grant the Warden’s motion to dismiss, deny as moot Mr. Scott’s Petition for Writ of Habeas Corpus pursuant to 18 U.S.C. § 2241, and to dismiss and remove the matter from the Court’s docket.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner’s

right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on March 18, 2024. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [ECF 16], **GRANTS** the Warden’s Motion to Dismiss contained in her Response [ECF 12], **DENIES AS MOOT** Mr. Scott’s Petition for Writ of Habeas Corpus pursuant to 18 U.S.C. § 2241 [ECF 2], **DISMISSES** the Petition [ECF 2], and **DISMISSES** the matter.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: April 4, 2024




Frank W. Volk
United States District Judge